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10/020,956	12/19/2001	Kiyoo Morita	Q67795	1153
7590	01/10/2006		EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037				KIM, SANG K
		ART UNIT	PAPER NUMBER	
		3654		

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Please find below and/or attached an Office communication concerning this application or proceeding.



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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/020,956

Filing Date: December 19, 2001

Appellant(s): MORITA, KIYOO

Paul F. Neils
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1/10/05 appealing from the Office action mailed 9/10/04, and to the Order Returning the Undocketed Appeal to the Examiner

mailed on 10/5/05. The Examiner's Answer mailed 3/31/05 is vacated. A revised Examiner's Answer follows. Artifact 10020956 ZA was delivered to the BPAI on November 8, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

The amendment after final rejection filed on December 2, 2004, has been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

4807826 Iwahashi 2-1989

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3 are rejected under 35 U.S.C. 102(b). This rejection is set forth in a prior Office Action, mailed on 9/10/04.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Iwahashi, U.S. Patent No. 4807826.

Iwahashi shows a tape reel with a hub having a cylindrical shape; and an upper flange (17) and a lower flange (10) respectively provided at an upper end and a lower end of said hub, wherein a magnetic tape is wrapped around an outer peripheral surface (11) of said hub, and means for gradually decreasing a distance between said upper flange (17) and said lower flange outside an outer peripheral surface of the hub, as said magnetic tape is being wrapped around said hub (when the magnetic tape wrapping force in a radial direction is so great that both the hub (11) and the inner rib

(12) are deformed which would inherently deflect both flanges), by deflecting said upper and lower flanges toward each other over an entire circumference thereof, as shown in figures 1-2.

(10) Response to Argument

Appellant argues that claim 1 recites, “means for gradually decreasing a distance between said upper flange and said lower flange outside the outer peripheral surface of the hub, as said magnetic tape is being wrapped around said hub, by deflecting said upper and lower flanges towards each other over an entire circumference thereof.”

Appellant argues that Iwahashi '826 discloses the ribs 21 to prevent the outer cylindrical section from radially and inwardly bending by the pressure exerted from the tape wound there around, see column 5, lines 30-34 and 53-56. Appellant argues that the prior art reference specifically teaches prevention of the hub from an inward radial deformation, and Iwahashi's structure does not perform the same function set forth in Appellant's claim 1.

Iwahashi teaches Appellant's claimed invention with the same structure, see figure 1-4. The prior art element performs identically to the function as it is recited in the claim.

Appellant discloses in the first full paragraph of page 10 of the specification, in order to obtain the desired deformation, “the rigidity of the hub 11, manner of fixing the upper and lower flanges 12, 13 to the hub, the material of the tape reel 10 and so on are established. Preferably, the rigidity is determined by setting the thickness T of the outer

peripheral wall 11a, by setting shape and thickness of the center part 11b and the support walls 11c, and so on.”

The prior art (Iwahashi '826) element performs the function specified in the Appellant's claims in the same manner as the function described in the specification. Appellant relies on the rigidity which is determined by setting the thickness T of the outer peripheral, center part and support walls as means to deflect the flanges inwardly. Iwahashi '826 shows the rigidity and the thickness of the outer peripheral, center part and support walls as same as Appellant's claims.

The invention of Iwahashi '826 is designed to prevent the inward radial deformation, but the prior art teaches Appellant's claimed invention by its recognition of the deformation and an attempt to prevent it. The reference as a whole teaches the concept of means for gradually decreasing a distance between the flanges and the hub as the magnetic tape is wrapped around the hub. Iwahashi '826 recognizes the problem with an inward radial bending to the hub caused by the tape tightly wrapped around the hub. As the hub deforms radially, both of the flanges deflect inwardly to the hub. Iwahashi '826 attempts to solve the problem by shortening the length of the rib which prevents the outer cylindrical section from an inward radial deformation when the tape is tightly wound around the outer cylindrical section, see column 2, lines 1-17.

With respect to claims 2 and 3, Appellant argues that Iwahashi '826 fails to teach the distance between the upper and lower flanges change within a certain range. The prior art taken as a whole inherently meet the recitations of these claims, which merely broadly describe the deformation of the hub and flanges in general terms.

As stated above, Iwahashi '826 invention is designed to prevent the inward radial deformation. But the reference as a whole teaches the concept of means for gradually decreasing a distance between the flanges and the hub as the magnetic tape is wrapped around the hub by virtue of the recognition of such deformation and its cause. Iwahashi '826 recognizes the problem with an inward radial bending to the hub caused by the tape tightly wrapped around the hub. As the hub deforms radially, both of the flanges deflect inwardly to the hub. Iwahashi '826 solves the problem by shortening the length of the rib which prevents the outer cylindrical section from an inward radial deformation when the tape is tightly wound around the outer cylindrical section, see column 2, lines 1-17. Taken as a whole, the reference of Iwahashi '826 suggests the limitations of the claims.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For all of the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



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SK
November 8, 2005

Conferees

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*Conferee John Jillions is unavailable to initial this Examiner's Answer due to
retirement. See page 6 of the Examiner's Answer mailed on 3/31/05 for his initials.

(Copy attached)

gradually decreasing a distance between the flanges and the hub as the magnetic tape is wrapped around the hub by virtue of the recognition of such deformation and its cause. Iwahashi '826 recognizes the problem with an inward radial bending to the hub caused by the tape tightly wrapped around the hub. As the hub deforms radially, both of the flanges deflect inwardly to the hub. Iwahashi '826 solves the problem by shortening the length of the rib which prevents the outer cylindrical section from an inward radial deformation when the tape is tightly wound around the outer cylindrical section, see column 2, lines 1-17. Taken as a whole, the reference of Iwahashi '826 suggests the limitations of the claims.

For all of the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

SK
March 21, 2005

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